

REMARKS

Claims 1-43 are pending in the application. Independent claims 15, 21, 27, 32, and 36 have been amended herein. New claims 42 and 43 have been added herein. Claims 23 and 28 have been canceled herein. Favorable reconsideration of the application, as amended, is respectfully requested.

I. ALLOWABLE SUBJECT MATTER

Applicant acknowledges with appreciation the allowance of claims 1-14, 31, and 33-35. In addition, applicant notes with appreciation the indicated allowability of claims 16, 19, 23, 26, 28, 30, and 41 subject to being amended to independent form.

Applicant believes that all pending claims are in condition for allowance in their current form for at least the reasons set forth below.

II. REJECTIONS OF CLAIMS 15, 17, 18, 20-22, 24-25, 27, 29, AND 32 UNDER 35 U.S.C. § 102(e)

Claims 15, 17, 18, 20-22, 24-25, 27, 29, 32, 36-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,574,797 ("Naegeli"). Withdrawal of the rejections is respectfully requested.

Independent claims 15 and 36 have been amended to recite one of the aspects of the invention recited in allowed independent claim 1. Specifically, independent claim 15 now requires that "the processor is capable of informing the FFT engine of the first time and of the second time, causing the FFT engine to generate one or more FFT measurements of an upstream spectrum during the first time and the second time, and comparing FFT measurements of the first time with FFT measurements of the second time thereby detecting undesirable noise created by the cable modem." As recited in allowed independent claim 1, this aspect of the invention is believed to be patentable over the cited art. Independent claim 36 contains recitations similar to those of independent claim 15.

Independent claim 21 has been amended herein to include limitations of previous claim 23 which has been indicated allowable. Independent claims 27 and 32 have been amended herein to include limitations of previous claim 28 which has been indicated allowable. Also, new claim 42 contains all limitations from previous claims 21 and 26. New claim 43 contains all limitations from previous claims 27 and 30.

It is respectfully submitted that the claim amendments raise no new issues and require further search. Thus, Applicants respectfully request the Examiner to enter the above claim amendments at this stage.

In view of the foregoing, independent claims 15, 21, 27, 32, 36, 42, and 43 and their dependent claims are believed to be in condition for allowance. Withdrawal of the rejections is respectfully requested.

III. CONCLUSION

Applicants believe that all pending claims are in condition for allowance, and respectfully requests a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-663-1100, ext. 245.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



Haruo Yawata
Limited Recognition under 37 CFR § 10.9(b)

P.O. Box 70250
Oakland, CA 94612-0250
Tel: 510-663-1100, ext. 245

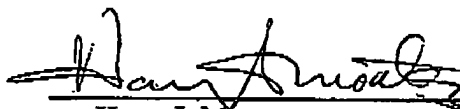
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Expires: January 2, 2007



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